

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MEENU GAIND,

Plaintiff,

- against -

ANGEL GARCIA CORDERO and ANTA
INVERSIONES Y ASESORAMIENTO,
S.A.,

Defendants.
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04 Civ. 9407 (TPG)

OPINION

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/20/12
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Defendants move to extend the time to file a bill of costs. The motion is granted.

Local Rule 54.1 sets forth the rules and procedures governing the present motion. The Rule provides, in relevant part, that:

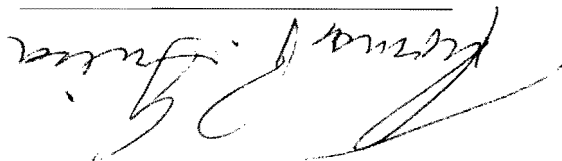
Within thirty (30) days after the entry of final judgment, or, in the case of an appeal by any party, within thirty (30) days after the final disposition of the appeal, unless this period is extended by the Court for good cause shown, any party seeking to recover costs shall file with the Clerk a request to tax costs annexing a bill of costs and indicating the date and time of taxation. Costs will not be taxed during the pendency of any appeal. Any party failing to file a request to tax costs within the applicable thirty (30) day period will be deemed to have waived costs.

Final judgment was entered in this case on August 25, 2011. It is undisputed that defendants did not file a bill of costs within 30 days after the entry of that judgment. But defendants have shown good cause for their failure to do so.

On September 2, 2011, plaintiff wrote a letter to the court requesting an extension of time to file a motion for reconsideration. That request was granted, and plaintiff thereafter filed her motion on September 27, 2011. That motion was decided on December 16, 2011 and docketed on December 30, 2011. Had the court granted plaintiff's motion, the prosecution of this action would have resumed, and the action could very well have proceeded to trial. In that event, defendants' cost would have risen substantially, mooted any bill of costs filed after the judgment of August 25. Defendants reasonably withheld their bill of costs until after the motion for reconsideration was decided and docketed. Furthermore, they filed the present motion within 30 of the court's opinion of December 16.

In these circumstances, it is appropriate to extend the time for defendants to file a bill of costs. Plaintiff, however, has appealed the court's decision on her motion for reconsideration, and Local Rule 54.1 also provides that costs "will not be taxed during the pendency of any appeal." Accordingly, the court orders that the time for defendants to submit to a bill of costs to the Clerk shall be extended until ten days after the Second Circuit's resolution of plaintiff's appeal.

Dated: New York, New York
April 20, 2012

A handwritten signature in black ink, appearing to read "Thomas P. Griesa", written over a horizontal line.

Thomas P. Griesa
U.S.D.J.